



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 29 2015

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7009 1680 0000 7669 4094
RETURN RECEIPT REQUESTED

Mr. Ben Van Zante
Engineering Team Leader
Pella Corporation
111 Pella Place
Macomb, Illinois 61455

Subject: Information Request
Issued Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a)
Docket No. V-W-FY15-308-21

Dear Mr. Van Zante:

The U. S. Environmental Protection Agency is requiring Pella Corporation (Pella or you) to submit certain information about the facility located at 111 Pella Place, Macomb, Illinois. The enclosed Information Request specifies the information that you must submit. You are required to submit this information within 30 calendar days after you receive this request.

EPA is authorized under Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), to require reports and other information necessary to carry out the purpose of the CWA. Accordingly, pursuant to Section 308(a) of the CWA, you are directed to provide EPA with the information requested in the enclosed Information Request.

Pella must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief in accordance with Section V, paragraph 2, of the Information Request. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under Section 309(c)(4) of the CWA and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix A, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only the extent, and by means of the procedures, set for at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality

claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 308(b) of the CWA, 40 C.F.R. § 2.302 and 40 C.F.R. § 122.7, effluent data, standards or limitations and NPDES permit applications, NPDES permits and the name and address of any permit applicant or permittee are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Pella to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319.

Thank you for your cooperation in this matter. Should you have any questions, please contact Sudhir Desai of my staff by telephone at (312) 886-6704 or by e-mail at desai.sudhir@epa.gov.

Sincerely,



for

Dean Maraldo, Chief
Water Enforcement and Compliance Assurance Branch

Enclosures: Information Request

Appendix A: Confidential Business Information

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Pella Corporation

111 Pella Place

Macomb, Illinois 61455

) Docket No. V-W-FY15-308-21
)
)
) Proceeding under Section 308(a) of
) the Clean Water Act, as amended,
) 33 U.S.C. § 1318(a)
)

INFORMATION REQUEST

I. STATUTORY AUTHORITY

The U.S. Environmental Protection Agency is issuing this Information Request to Pella Corporation (Pella or you) pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has re-delegated this authority to the Director of the Water Division, EPA Region 5. On January 29, 2015, the Director of the Water Division, EPA Region 5 re-delegated this authority to the Chief of the Water Enforcement and Compliance Assurance Branch, EPA Region 5.

II. INSTRUCTIONS

1. You must respond to this Information Request within 30 calendar days of its receipt by you. Submission instructions are in Section V of this Information Request.
2. You must respond separately to each of the requests. Where a "yes" or "no" answer is requested, you may provide additional information, if desired. Precede each answer with the number of the request to which it corresponds. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the request to which it corresponds.
3. If you do not have documents responsive to a particular request, state in your written response that you do not have responsive documents.
4. You must keep the reports and all records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that you are no longer required to keep the reports and records, or for three years, whichever is sooner.

III. DEFINITIONS

All terms used in this information request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. 1251 *et seq.*, or 40 C.F.R. Parts 403, 433, Subpart A, and 471.

1. "Day" or "days" means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
2. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
3. "Record" means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
4. "You" for purposes of this Information Request refers to Pella Corporation (Pella) and to any agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of, Pella.

IV. REQUESTS

Pella must submit the following information pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a) within 30 calendar days regarding its facility located at 111 Pella Place, Macomb, Illinois (Facility), unless otherwise noted.

General Information

1. Identify the Facility's current and previous owners and operators. Provide a copy of all supporting documents, including Pella's Articles of Incorporation.
2. State the original construction date and initial operation date of the Facility.
3. Provide an up-to-date plot plan of the Facility.
4. Provide an up-to-date block process flow diagram for the Facility that includes, but is not limited to, each piece of processing and wastewater treatment equipment (e.g. storage tanks). Clearly label each piece of equipment and identify its capacity.
5. Provide a sewer pipe schematic of the Facility that labels and identifies all sewer pipe locations, discharge points, and connections, as well as all Facility process and work areas including restrooms, kitchens, and any other drains or sewer connection points.

Manufacturing and Process Operations

6. From June 2010, to the present, provide a detailed, narrative description of the process operations at the Facility, including, but not limited to, the volume of wastewater produced and discharged.
7. Clearly state and describe whether any of the following operations are performed at the Facility on any basis material:
 - a. Electroplating;
 - b. Electroless plating;
 - c. Anodizing;
 - d. Coating (chromating, phosphating, and coloring);
 - e. Chemical etching and milling; and
 - f. Printed circuit board manufacture.
8. Clearly indicate whether any of the following process operations are performed at the Facility:

Cleaning, machining, grinding, polishing, tumbling, burnishing, impact deformation, pressure deformation, shearing, heat treating, thermal cutting, welding, brazing, soldering, flame spraying, sand blasting, other abrasive jet machining, electric discharge machining, electrochemical machining, electron beam machining, laser beam machining, plasma arc machining, ultrasonic machining, sintering, laminating, hot dip coating, sputtering, vapor plating, thermal infusion, salt bath descaling, solvent degreasing, paint stripping, painting, electrostatic painting, electropainting, vacuum metalizing, assembly, calibration, testing, and mechanical plating.
9. Identify and clearly describe if any of the following metal forming operations are performed at the Facility: rolling, extruding, forging, drawing, swaging, cladding, and tube reducing, and ancillary operations including casting for subsequent forming, heat treatment, surface treatment, alkaline cleaning, solvent degreasing, product testing, surface coating, sawing, grinding, tumbling, burnishing, and wet air pollution control.
10. Since the construction date, provide a narrative description of any modifications to the manufacturing and process operations.

Wastewater Treatment Operations

11. From June 2010 to the present, provide a detailed, narrative description of the wastewater treatment operations at the Facility, including, but not limited to, any ability to bypass or divert any portion of the waste stream from or to any portion of the treatment operation.

Process Wastewater Streams

12. From June 2010 to the present, identify all of Pella's process wastewater streams. For each wastewater stream, provide a narrative description of the process, name and concentration of

all pollutants present in each waste stream and, if applicable, the federal categorical standard. For concentration of all pollutants present, provide all daily maximum and monthly average sampling data. Provide all supporting documents including, but not limited to sampling data, determinations, and engineering assessments.

Documents

13. Did you ever prepare and submit a baseline report(s) pursuant to 40 C.F.R § 403.12(b)? If so, identify who you submitted the report(s) to and provide a copy.
14. Did you prepare and submit a report on compliance with categorical pretreatment standards deadline pursuant to 40 C.F.R § 403.12(d)? If so, identify who you submitted the report(s) to and provide a copy.
15. Did you prepare and submit periodic reports on continued compliance pursuant to 40 C.F.R. § 403.12(e)? If so, identify who you submitted the report(s) to and provide copies of the reports from June 2010 to the present.
16. Except as requested in items 13 – 15 above, provide a copy of all documents submitted to EPA, the Illinois Environmental Protection Agency and the City of Macomb by or on behalf of Pella pursuant to 40 C.F.R. Parts 403, 433, and other applicable pretreatment standards.
17. Please provide copies of all permit applications submitted to Illinois Environmental Protection Agency and the City of Macomb related to Pella's wastewater processes.
18. Please provide copies of all permits issued by the Illinois Environmental Protection Agency and the City of Macomb since January 2010.

Wastewater Samples

19. Submit to EPA a summary of all self-monitoring data collected for the Facility from June 2010 to the present.
20. On February 6, 2015, Pella sent EPA a letter regarding "Quarterly Effluent Sampling Results for Pella Corporation (Macomb Operations) Permit #2014-EP-59262". For these sampling results, identify the sampling location where the wastewater samples were taken and the person(s) who collected the wastewater samples, including their title(s) and affiliation(s). Provide the following:
 - a. A clear description of each sampling location(s) in relation to the wastewater process streams requested in item 12, above;
 - b. A diagram which clearly identifies and labels the sampling setup components;
 - c. A photo of the sampling location(s); and
 - d. A diagram which clearly identifies and labels the setup of each sample point in relation to the facility process areas, the process water discharge point(s), and wastewater treatment discharge point(s) to the sewer.

V SUBMITTALS

1. Submit your response to this Information Request within 30 days of your receipt of the Information Request to:

Water Enforcement and Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Attention: Sudhir Desai, Environmental Engineer

2. You must submit all requested information under an authorized signature with the following certification:

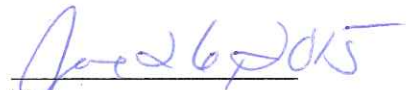
I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

3. If you find at any time after submitting information to EPA that any portion of the submittal is false or incorrect, you must notify EPA immediately. Knowing submission of false information to EPA in response to this Information Request may subject you to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.
4. You may not withhold information because you claim it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Information Request, as provided in 40 C.F.R. § 2.302(a)(2). The regulations provide that a person may assert a business confidentiality claim covering part or all of the information furnished to EPA when that person submits the information. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Effluent data (as defined in 40 C.F.R. § 2.302(A)(2)) and information in NPDES permit applications is not entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If you do not assert a claim of business confidentiality when you submit the information, EPA may make the information available to the public without further notice.

5. This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.
6. EPA may use the information submitted in response to this Information Request in an administrative, civil or criminal action.
7. Neither the issuance of this Information Request by EPA nor your compliance with this Information Request relieves you of liability for any penalty, fine, remedy or sanction authorized to be imposed pursuant to Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g), including but not limited to those related to any violations addressed by this Information Request. EPA specifically reserves the right to seek any of the remedies specified in Section 309(b), (c), (d), or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d), or (g).
8. There can be significant civil or criminal penalties for failing to adequately respond to requests for information issued under the Section 308(a) of the CWA, 33 U.S.C. § 1318(a).
9. Please contact Sudhir Desai of my staff by telephone at (312) 886-6704 or via e mail at desai.sudhir@epa, if you have any questions about this Information Request.



for Dean Maraldo
Chief, Water Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5


Date

Appendix A

Confidential Business and Personal Privacy Information

I. Assertion Requirements

You may assert a business confidentiality claim covering any parts of the enclosed information requested, as provided in 40 C.F.R. § 2.203(b).

Effluent data and standards or limitations provided under Section 308(b) of the CWA, 33 U.S.C. § 1318(b), are not entitled to confidential treatment under 40 C.F.R. Part 2.

“Effluent data” means, with reference to any source of discharge of any pollutant to water:

Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

See 40 C.F.R. § 2.302(a)(2)(i)(A), (B) and (C).

Notwithstanding the definition above, the following information shall be considered “effluent data” only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used

See 40 C.F.R. § 2.302(a)(2)(ii)(A) and (B).

“Standard or limitation” means any prohibition, any effluent limitation, or any toxic, pre-treatment or new source performance standard established or publicly proposed pursuant to the CWA or pursuant to regulations under the CWA, including limitations or prohibitions in a permit issued or proposed by EPA or by a State under Section 402 of the CWA, 33 U.S.C. § 1342.

See 40 C.F.R. § 2.302(a)(3).

NPDES Permit Applications, NPDES Permits and the name and address of any permit applicant or permittee is not entitled to confidential treatment under 40 C.F.R. Part 2.

See 40 C.F.R. § 122.7.

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 308(b) of the CWA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

II. Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business’s competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.